HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 3653 OF 2006

DATED: 27.2.2006

Between:

Sikhakolli Narasimha Rao

… Petitioner

and

The Commissioner of Endowments,

Boggulakunta, Tilak Road, Hyderabad

And others

… Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.3653 OF 2006

ORAL ORDER:

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The petitioner claims to be a founder trustee, but he is not. His claim for being a member of the founder's family of Sri Tripuranthakaswamy Temple, Santhanuthalapadu village, Prakasam District, is pending consideration.

The religious institution has agricultural land which was given on tenancy. There was a default in payment of the lease amounts and ATC Nos.56 and 57 of 1996 were filed for eviction of the tenants and fixation of a fair rent. The ATCs were allowed. Aggrieved thereby the tenants filed tenancy appeals.

At this stage of the matter, the 2nd respondent is alleged to have notified for public auction the leasehold rights of the lands of the Institution, whereat the 3rd respondent was one of the bidders and the highest bidder. Before the possession of the lands could be made over to the 3rd respondent, the earlier tenants filed O.S.No.434 of 1998 seeking injunctive relief, questioning the action. The suit is claimed to have been decreed. The petitioner claims to have filed execution petitions and to have been given possession of the lands of the Institution on 8.12.2002 pursuant to the judgment in the ATCs. He also claims to have made substantive investments for development of the lands after taking possession of them.

While so, it is alleged, in the last of week of April 2005, the 3rd respondent trespassed into the lands of the Devasthanam and interfered with the usufruct of the land. When the petitioner made enquiries, he asserts, he came to learn that the Assistant Commissioner, the Executive Officer and the Archaka concerned delivered possession to the 3rd respondent. After unsuccessfully issuing a lawyer's notice, the petitioner preferred an application to the 1st respondent, invoking his general supervisory jurisdiction under Section 8 of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act') against the conduct of the 2nd respondent and the Executive Officer, in handing over possession to the 3rd

respondent to his detriment. The petitioner rests his claim to possession and continued possession of the land inter alia on the invalidation of the public auction and the lease in favour of the 3rd respondent by the decree of the civil court in O.S.No.434 of 1998.

Whether the decree in O.S.No.434 of 1998 is valid or enforceable, in view of the provisions of Section 151 of the Act, are questions that require to be considered by the 1st respondent. Truly, the 1st respondent has a supervisory jurisdiction under the Act, which is invoked by the petitioner.

For the aforesaid reasons, after hearing the learned Government Pleader for Endowments also, the writ petition is disposed of at the stage of admission directing the 1st respondent to expeditiously consider and pass orders recording reasons, preferably within a period of two months from the date of receipt of a copy of this order, responding to the petitioner's application/representation dated 27.6.2005. The 1st respondent shall communicate a reasoned decision on the petitioner's representation to him, within the aforesaid period. No costs.

GODA RAGHURAM, J

Date: 27.2.2006

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